

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

FRANK HARMON BLACK; and
SOUTHEAST INVESTMENTS, N.C., INC.,

Plaintiffs,

v.

FINANCIAL INDUSTRY REGULATORY
AUTHORITY; and
SECURITIES AND EXCHANGE
COMMISSION,

Defendants.

No. 3:23-CV-709-RJC-DCK

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiffs respectfully move for a preliminary injunction under Rule 65 of the Federal Rules of Civil Procedure to enjoin Defendants Financial Industry Regulatory Authority (FINRA) and Securities and Exchange Commission (SEC) adjudication of Black and SEI's liberty and property. After seven years in FINRA and SEC adjudication, the SEC remanded Black and SEI's case to FINRA to begin the adjudication process again. *See In the Matter of the Application of Southeast Investments, N.C., Inc. and Frank Harmon Black*. Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for a Preliminary Injunction is filed contemporaneously. Attached to this motion is a Declaration of Frank Black, exhibits attached thereto, and the SEC Opinion and Order (which is also available at DE 30 at 4–25) as Exhibit 15 to this Motion.

As set forth in the Brief in Support, Plaintiffs' Motion should be granted because Plaintiffs are likely to succeed on the merits of their constitutional claims.

Plaintiffs continue to suffer irreparable harm to their constitutional rights because after seven years in FINRA and SEC adjudication, Black and SEI must start back at square one in FINRA's adjudication process. Enjoining such private and agency adjudication is in the public interest and the balance of equities favors such an injunction.

DATED: December 19, 2023.

Respectfully submitted,

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